

# **EXHIBIT 366**

# **REDACTED**

**In the Matter Of:**

*In Re Google Antitrust Litigation*



*November 06, 2020*

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Highly Confidential

[REDACTED] - November 06, 2020

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4 IN RE:

5

6 GOOGLE ANTITRUST LITIGATION

7 60-516110-0004

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9

10

11 \*\* HIGHLY CONFIDENTIAL \*\*

12

13 REMOTE DEPOSITION OF

14 [REDACTED]

15

16 Friday, November 6, 2020

17

11:00 a.m. (EST)

18

19

20

21

22 Reported by:

23

Joan Ferrara, RMR, FCRR

24

Job No. 2020-92995

25

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1 [REDACTED] - HIGHLY CONFIDENTIAL

2 used, and so we were trying to discourage  
3 some of those uses because of concerns  
4 about stability because of the impact of  
5 publishers and their ability to make money.

6 Q. What concerns did you have?

7 A. So, for example, one of the big  
8 issues is that line items were being used  
9 for realtime pricing. And line items were  
10 never viewed as -- line items were meant to  
11 be a reservation and not, you know, 50 line  
12 items per particular slots, which was  
13 needed to be done for the way people were  
14 working around realtime competition.

15 So that actually had put our  
16 AdServer at risk many times and we were  
17 thinking of ways to -- thinking about  
18 potential ways to discourage that.

19 Q. You mentioned using line items  
20 for realtime bidding. Are you referring  
21 specifically to header bidding?

22 A. Yeah, header bidding uses line  
23 items for realtime bidding, yes.

24 Q. And why would this be -- I'm  
25 sorry?

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2 A. There may be other ways that  
3 people were doing it, too, but header  
4 bidding is one of the ways, so...5 Q. And why was using line items for  
6 realtime pricing a risk to Google's  
7 AdServer?8 A. The way the system was built is  
9 that line items █████  
10 █████ There wasn't a concept of  
11 using them for realtime pricing. █████12 █████  
13 █████  
14 █████ but  
15 with using line items for realtime pricing,  
16 which is not what they were designed to be  
17 used for, █████18 █████  
19 █████  
20 █████21 And so there were often  
22 discussions as publishers wanted to expand  
23 their use of that about whether we could  
24 actually keep the system running in a  
25 stable way as those were expanded more and

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2 more.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] and also had

14 negative consequences for the ecosystem,

15 advertisers, and publishers, and users.

16 Q. What do you mean by line items  
17 aren't supposed to support realtime  
18 bidding?

19 A. Yes. Line items were designed  
20 for reservations and they were not -- [REDACTED]  
21 [REDACTED], they don't do -- they  
22 don't have any kind of way to collect  
23 realtime pricing.

24 The way header bidding sort of  
25 twisted their use was by having a line item

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2 because of header bidding.

3 Q. Any other reason they would use  
4 it other than header bidding?

5 A. Yes. They could have really  
6 segmented their audiences and their  
7 inventory in a very fine grain way. So  
8 that's a reason that a publisher could  
9 exceed the limits as well. And so we  
10 evaluated both of those requests.

11 Q. But you said that it was mainly  
12 used for header bidding?

13 A. Because the system was designed  
14 to be able -- the line item system was  
15 designed for reservations, it was designed  
16 with limits in mind that would make sense  
17 for reservations, █████

18 ██████████

19 ██████████

20 ██████████

21 ██████████

22 █████ it was pushing the system beyond  
23 what was a safe limit and so we had to  
24 evaluate whether we could sustain the  
25 additional load.

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2 Q. So if having too many line items  
3 was a risk for Google, why would you  
4 approve a greater line item for some  
5 customers?

6 A. If publishers requested and they  
7 felt they needed them, since we understood  
8 that they were trying to have realtime  
9 competition and [REDACTED]

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 Q. Would this be done for a specific  
15 timeframe or would it just be a permanent  
16 increase for the publisher?

17 A. [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 [REDACTED] - HIGHLY CONFIDENTIAL

2 AdX, could a publisher request last look to  
3 be turned off?

4 A. No, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. Are you aware of universal  
12 pricing rules?13 A. I remember that there was some  
14 discussion of universal pricing rules.15 Q. What is your understanding of  
16 what universal pricing rules are?

17 A. S [REDACTED]

18 [REDACTED]

19 [REDACTED] But some  
20 of the discussions about universal pricing  
21 rules is that given the unification of  
22 AdManager and exchange, AdExchange and  
23 especially as we were moving to a first  
24 price, the different pricing rules for  
25 different exchanges really didn't make any

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1 [REDACTED] - HIGHLY CONFIDENTIAL  
2 sense because if it was used as a way to  
3 increase yield in a second price auction,  
4 but once you're moving to a first price  
5 auction there's really no reason to do  
6 it -- and so I think universal pricing  
7 rules were about streamlining that so that  
8 there was one rule that applied to all of  
9 the inventory that went into exchange  
10 bidding, I believe, is where that was done.

11 Q. Would a publisher -- to the  
12 extent that you know, could a publisher  
13 turn off uniform pricing rules?

14 A. [REDACTED]

15 [REDACTED]  
16 [REDACTED]  
17 the idea was to just change the way rules  
18 work so that they were streamlined.

19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 Q. Were you involved in the  
24 discussions of developing the uniform  
25 pricing rules?

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
2   **DATE OF DEPOSITION:** November 6, 2020  
3   **IN THE MATTER OF:** Google 60-516110-0004  
4                   **DO NOT WRITE ON THE DEPOSITION ITSELF**

4   **Page Line Changes or corrections and reason**

5   3:12         The words "Erin Craig" should read  
6                   "Erin Craig, Esq."  
7   3:13         The words "Aaron Comenetz, Esq." should  
8                   be added after "Erin Craig, Esq."  
9   11:18        The words "Erica Trotman" should read  
10                  "Erika Trautman" (Transcription Error)  
11   11:19        The word "Oga" should read "Aga"  
12                  (Transcription Error)  
13   13:2         The words "Campuses University" should  
14                  read "campus of the university"  
15                  (Transcription Error)  
16   14:12        The words "during the time that" should  
17                  read "during the time at IBM when"  
18                  (Transcription Error)  
19   20:16        The word "it" should read "I"  
20                  (Transcription Error)  
21   22:4         The word "A server" should read "ad  
22                  servers" (Transcription Error)  
23   24:21        The word "sales" should read "sell"  
24                  (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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3   **IN THE MATTER OF:** Google 60-516110-0004

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5   **Page Line Changes or corrections and reason**

6   34:15         The word "spec" should be removed  
7                   (Transcription Error)

8   37:8         The word "RVPs" should read "our VPs"  
9                   (Transcription Error)

10   37:16        [REDACTED]

11   41:23         The word "DSP" should read "DSPs"  
12                   (Transcription Error)

13   45:10-11      The words "advertiser's side" should  
14                   read "advertiser-side" (Transcription  
15                   Error)

16   49:4         The words "impact of" should read  
17                   "impact on" (Transcription Error)

18   52:20         The words "in tend" should read  
19                   "intended" (Transcription Error)

20   54:4         The word "cause" should read "caused"  
21                   (Transcription Error)

22   54:25         The words "That is we" should read  
23                   "that we" (Transcription Error)

24

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5   **Page Line Changes or corrections and reason**

6   55:10         The word "DSP" should read "DSPs"  
7                   (Transcription Error)  
8   55:15         The word "inclusion" should read "in  
9                   collusion" (Transcription Error)  
10   55:24        The words "echo system" should read  
11                   "ecosystem" (Transcription Error)  
12   56:16        The word "swath" should read  
13                   "cost" (Transcription Error)  
14   61:9          [REDACTED]  
15   61:13        [REDACTED]  
16   63:23        [REDACTED]  
17   63:23        The words "director the" should read  
18                   "the director" (Transcription Error)  
19   64:19        The word "Benefited" should read  
20                   "benefit" (Transcription Error)  
21   66:7         The word "Nande" should read "Nandy"  
22                   (Transcription Error)  
23   66:20        The word "Nande" should read "Nandy"  
24                   (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5   **Page Line Changes or corrections and reason**

6   68:16         The words "Esar Lebowitz" should read  
7                   "Eisar Lipkovitz" (Transcription Error)  
8   68:18         The word "Moray" should read "Muret"  
9                   (Transcription Error)  
10   74:3         The words "Free Will" should read  
11                   "Freewheel" (Transcription Error)  
12   74:5         The word "exchange" should read  
13                   "exchanges" (Transcription Error)  
14   74:19         The words "supported developer  
15                   relations" should read "support or  
16                   developer relations" (Transcription  
17                   Error)  
18   75:9         The word "roles" should read "rules"  
19                   (Transcription Error)  
20   75:17         The word "deep" should read "keep"  
21                   (Transcription Error)  
22   75:18         The word "my" should read "the"  
23                   (Transcription Error)  
24   78:8         The word "integrate" should read  
                    "integrated" (Transcription Error)

1     **READ/SIGN DEPOSITION OF:** [REDACTED]  
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4         **DO NOT WRITE ON THE DEPOSITION ITSELF**  
  
5     **Page Line Changes or corrections and reason**  
  
6     78:18              The word "exchange" should read  
7                          "exchanges" (Transcription Error)  
  
8     78:21              The word "There" should read "They"  
9                          (Transcription Error)  
  
10    95:21              The word "AdAge" should read "average"  
11                          (Transcription Error)  
  
12    98:25              The words "a header" should read "ahead  
13                          or" (Transcription Error)  
  
14    105:23             The words "in correct" should read  
15                          "incorrect" (Transcription Error)  
  
16    107:14             The word "associate" should read  
17                          "associated" (Transcription Error)  
  
18    114:17             The word "exchange" should read  
19                          "exchanges" (Transcription Error)  
  
20    114:19             The word "exchange" should read  
21                          "exchanges" (Transcription Error)  
  
22    116:4              The word "exchange" should read  
23                          "exchanges" (Transcription Error)  
  
24    116:8              The word "exchange" should read  
                        "exchanges" (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5   **Page Line Changes or corrections and reason**

6   117:6                 The word "ha" should read "had"  
7                             (Transcription Error)  
8   117:10                The word "Whether" should read "When"  
9                             (Transcription Error)  
10   117:15               The word "exchange" should read  
11                             "exchanges" (Transcription Error)  
12   117:21               The word "exchange" should read  
13                             "exchanges" (Transcription Error)  
14   117:23               The word "exchange" should read  
15                             "exchanges" (Transcription Error)  
16   122:8                The words "ad serves" should read  
17                             "ad servers" (Transcription Error)  
18   128:10               The words "that character ESL problems"  
19                             should be removed (Transcription Error)  
20   128:14               The words "ad had" should read "Ad  
21                             Manager had" (Transcription Error)  
22   129:10               The word "lowest" should read "highest"  
23                             (Transcription Error)  
24   131:24               The word "shaking" should read "shaky"  
                                   (Transcription Error)

**1** READ/SIGN DEPOSITION OF: [REDACTED]  
**2** DATE OF DEPOSITION: November 6, 2020  
**2** IN THE MATTER OF: Google 60-516110-0004

**DO NOT WRITE ON THE DEPOSITION ITSELF**

4 Page Line Changes or corrections and reason

5 144:10 The word "take" should read "takes"  
6 (Transcription Error)

7 145:6 The words "changed to" should read  
8 "change at" (Transcription Error)

9 145:19 The word "exchange" should read  
10 "exchanges" (Transcription Error)

11 145:23 The word "create" should read "created"  
12 (Transcription Error)

13 146:23 The words "if header bid something"  
14 should read "if header bid comes"  
15 (Transcription Error)

16 147:4 The word "re-present" should read  
17 "prevent" (Transcription Error)

18 149:20-1 The words "header bid something when  
19 the client calls out to server-side"  
20 should read "header bidding is when the  
21 client calls out to a server-side"  
22 (Transcription Error)

23 149:22 The words "which in side" should read  
24 "in turn the" (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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4           **DO NOT WRITE ON THE DEPOSITION ITSELF**

5   **Page Line Changes or corrections and reason**

6   5 150:21       The words "still call" should read  
7                   "still the call" (Transcription Error)

8   7 150:22       The word "it" should read "to"  
9                   (Transcription Error)

10   9 152:12       The word "and" should read "were"  
11                   (Transcription Error)

12   11 153:25       The word "publisher's" should read  
13                   "publishers'" (Transcription Error)

14   13 156:13       The word "knowingly" should read  
15                   "unknowingly" (Transcription Error)

16   15 156:21       The word "attack" should read "a tag"  
17                   (Transcription Error)

18   17 157:24       The word "safely" should read "safe"  
19                   (Transcription Error)

20   19 158:18       The word "DB360" should read "DV360"  
21                   (Transcription Error)

22   21 159:20       The words "safety with" should read  
23                   "safety, with" (Transcription Error)

24   23 160:13       The word "pause" should read "cause"  
25                   (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5   **Page Line Changes or corrections and reason**

5   162:5         The words "weak and" should read "we  
6                    >would" (Transcription Error)

7   162:17        The words "First Look" should read  
8                    "first look" (Transcription Error)

9   163:13        The word "choose" should read "chooses"  
10                  (Transcription Error)

11   163:14       The word "which" should read "or"  
12                  (Transcription Error)

13   166:8        The word "exchange" should read  
14                  "exchanges" (Transcription Error)

15   166:12       The word "I" should read "it"  
16                  (Transcription Error)

17   167:20       The word "remembering" should read  
18                  "referring" (Transcription Error)

19   167:23       The word "option" should read  
20                  "auction" (Transcription Error)

21   168:3        The word "HSSP" should read "each  
22                  SSP" (Transcription Error)

23   170:24       The words "before first" should read  
24                  "became first" (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5   **Page Line Changes or corrections and reason**

6   173:5         The word "Berliate" should read  
7                   "Berliat" (Transcription Error)  
8   173:8         The word "Berliate" should read  
9                   "Berliat" (Transcription Error)  
10   178:24        The word "tracing" should read  
11                   "training" (Transcription Error)  
12   180:3         The word "Berliate" should read  
13                   "Berliat's" (Transcription Error)  
14   180:5-6       The words "V. Berliate and the A sign"  
15                   should read "cberliat and the at sign"  
16                   (Transcription Error)  
17   180:15        The words "L dat" should read "LDAP"  
18                   (Transcription Error)  
19   181:21        The words "publisher website adserver  
20                   adexchange" should read "publisher,  
21                   website, ad server, ad exchange"  
22                   (Transcription Error)  
23   183:11        The words "ad manager" should read  
24                   "Ad Manager" (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5   **Page Line Changes or corrections and reason**

6   183:13       The word "is" should read "a"  
7               (Transcription Error)  
8   185:21       The word "Chris" should read "Kris"  
9               (Transcription Error)  
10   192:4       The word "DSP" should read "DSPs"  
11               (Transcription Error)  
12   192:23       The word "serve" should read "server"  
13               (Transcription Error)  
14   194:18       The word "add" should read "ad"  
15               (Transcription Error)  
16   194:19       The word "add" should read "ad"  
17               (Transcription Error)  
18   195:21       The word "add" should read "ad"  
19               (Transcription Error)  
20   204:14       The word "it" should be removed  
21               (Transcription Error)  
22   206:16       The word "ones" should read "one"  
23               (Transcription Error)  
24   206:17       The words "their's of" should read  
             "theirs for" (Transcription Error)

1     **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5     **Page Line Changes or corrections and reason**

6     210:24         The word "tab" should read "tag"  
7                     (Transcription Error)  
8     216:2         The words "add defendant's exhibit"  
9                     should read "had ad exchange"  
10                  (Transcription Error)  
11     216:18         The words "enter made year" should read  
12                  "intermediary" (Transcription Error)  
13     217:15         The word "command" should read  
14                  "inventory" (Transcription Error)  
15     221:5         The word "are" should be removed  
16                  (Transcription Error)  
17     221:7         The word "another" should read "other"  
18                  (Transcription Error)  
19     221:20         The word "this" should read "that"  
20                  (Transcription Error)  
21     223:10-1         The words "was and" should read "built  
22                  and" (Transcription Error)  
23     226:10         The word "had" should be removed  
24                  (Transcription Error)

1   **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5   **Page Line Changes or corrections and reason**

6   230:7           The word "auctioning" should read  
7                    "auction" (Transcription Error)

8   230:8-9        The words "in the" should read "not"  
9                    (Transcription Error)

10   232:22        The word "what" should read "would"  
11                   (Transcription Error)

12   234:3         The words "for price" should read  
13                   "floor price" (Transcription Error)

14   237:23        The word "industry" should read "the  
15                   industry" (Transcription Error)

16   238:19        The words "Adx change" should read  
17                   "Ad Exchange" (Transcription Error)

18   238:23        The word "tanned" should read "and"  
19                   (Transcription Error)

20   240:7         The word "in." should read "in?"  
21                   (Transcription Error)

22   241:4         The word "mean." should read "mean?"  
23                   (Transcription Error)

24   242:5         The word "read" should read "red"  
                    (Transcription Error)

1      **READ/SIGN DEPOSITION OF:** [REDACTED]  
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5      **Page Line Changes or corrections and reason**

6      244:2            The word "at" should be removed  
7                        (Transcription Error)

8      256:14           The word "And" should read "In"  
9                        (Transcription Error)

10     257:6           The words "have done" should read  
11                        "have been done" (Transcription Error)

12     258:12           The word "isn't" should read "it is"  
13                        (Transcription Error)

14     260:20           The word "the" should read "that"  
15                        (Transcription Error)

16     262:18           The word "numb" should be removed  
17                        (Transcription Error)

18     264:22           The word "valuation" should be  
19                        "evaluation" (Transcription Error)

20     265:6           The words "investigation, but it was a  
21                        point in time" should read "version, or  
22                        it was a point in time" (Transcription  
23                        Error)

24

1      READ/SIGN DEPOSITION OF: [REDACTED]  
2      DATE OF DEPOSITION: November 6, 2020  
IN THE MATTER OF: Google 60-516110-0004

**DO NOT WRITE ON THE DEPOSITION ITSELF**

4 Page Line Changes or corrections and reason

7 284:10 The word "break" should read "product"  
8 (Transcription Error)

Throughout The word "AdServer" should read "ad  
server" (Transcription Error)

11 Throughout The word "AdExchange" should read "Ad  
12 Exchange" (Transcription Error)

13 Throughout The word "AdManager" should read "Ad  
14 Manager" (Transcription Error)

15

15

1

22 have listed all changes and corrections above,  
23 along with my reason therefor.

24 DATE: 12/16/20 SIGNATURE:

**Lexitas**  
**(888) 267-1200**